

APPENDIX B: TABLE OF LOCAL REGULATORY STRATEGIES

TABLE OF LOCAL REGULATORY STRATEGIES

Newbury Zoning Bylaw <i>(Adopted 1959 and Revised until July 26, 1999)</i>					
Dimensional and Density Regulations	Lot area minimum:	<u>Agricultural-Residential</u> Single family: 40,000 sq.ft.; Two Family: 80,000 sq.ft.	<u>Industrial</u> 40,000 sq.ft.	<u>Business</u> 10,000 sq.ft.	<u>Commercial Highway</u> 40,000 sq.ft.
	Lot frontage:	125 ft	200 ft	100 ft	200 ft
	setbacks:	10 ft from property line 20 ft from street	25 ft from side and rear 50 ft to highway/watercourse	20 ft front 10 ft side	50 ft to highway 25 ft from side and rear
	Lot coverage:	none Not more than 20% of minimum lot area in wetlands Reduced frontage lots: must have 50 ft frontage, 4.5 acres of which 1.5 acres not in floodplain or wetland	50% max	50% or 2500 sq.ft. max Residences shall meet requirements of nearest residential district	50% max Permitted uses by right and some by special permit by Board of Appeals
<i>Permit Granting Authority is Zoning Board of Appeals Special Permit Granting Authority is Board of Selectmen or the Board of Appeals</i>					
Special Regulations	Flood Area Regulations	<ul style="list-style-type: none"> Regulations for Zones VI-30 (coastal high hazard area) on Flood Insurance Rate Maps (FIRM) Construction landward of mean high tide On pilings and lowest floor above base flood level with breakaway walls Fill or alterations for structural support prohibited For A1-30 Zones, utility and sanitary facilities and walls resistant to water; engineer statement certifying flood proofing methods No new construction until regulatory floodway designated, unless won't increase water surface elevation Mobile homes elevated and anchored Variances (By Zoning Board of Appeals) for those surrounded by others not at minimum base flood elevations and is minimum necessary and won't threaten safety All necessary permits including 404 Federal Water Pollution Control Act (FWPCA) In floodway, no construction unless proven that won't increase flood levels 			
	Water Supply Protection District	<ul style="list-style-type: none"> Overlay District which applies to new construction, reconstruction, expansion Within watersheds of groundwater aquifers which may provide water as mapped "Water Resources, Town of Newbury, May 21, 1997" Resolution of boundary dispute through Special Permit application to <i>Zoning Board of Appeals</i> Prohibited Uses – hazardous materials and earth removal to 6 ft of water table Special Permitted Uses - By <i>Board of Selectmen</i>: water control devices etc; alteration that do not adversely affect water quality or quantity; impervious more than 15% or 2500 sq.ft. and that has system for groundwater recharge Special Permit for certain uses by Board of Selectmen granted if Board of Health, Conservation Commission, Board of Water Commissioners, Planning Board receive copy and provide written recommendations or no comment; must meet standards – no adverse affect on existing or potential quality or quantity of water and avoid disturbance of soils, topography, drainage, vegetation, etc. Site Plan to provide a list of potentially hazardous materials, and a Hazardous Materials Management Plan with Board of Health and Fire Chief; down-gradient water monitoring wells location Violations – remedy, preventive measures for future, schedule of compliance 			
	Open Space Residential Design Bylaw	<ul style="list-style-type: none"> Encourages developers to work with the planning board to create subdivisions that maximize the amount and quality of open space preserved while constructing subdivisions in a more economical way that creates opportunities for mixed housing. 			

Newbury Subdivision Rules and Regulations

(Adopted by the Planning Board January 9, 1961 as amended March 18, 1998)

Approval Under Subdivision Control Law Not Required	<ul style="list-style-type: none"> Plans submitted with all locations, boundaries, references, lot dimensions, frontage, zoning, geographic features that restrict access, designation of wetlands Board considers: alignment of roadway provide safe visibility; roadway of sufficient width and of reasonable horizontal alignment; roadway must have suitable grades and adequate construction to provide for needs of traffic in relation to proposed use of land Either endorse or notify applicant that approval IS required
Preliminary Subdivision Plan	<ul style="list-style-type: none"> Submission of Preliminary Plan to Board and Board of Health is required for non-residential subdivision and strongly recommended but up to applicant discretion for residential subdivision Submission of plans with information, including wetlands and waterbody locations, topography, drainage systems Zoning information, including overlays Preliminary draft of Environmental Analysis*, including soils map (qualitative analysis at this time) Plans forwarded to: Conservation Commission, the Highway Department, the Board of Fire Engineers, the Water District Commission Approve; approve with modifications; or disapprove – but not recorded until definitive plan approval <p><i>*Environmental Analysis: prepared by interdisciplinary team including planner, landscape architect, biologist, soils scientist (may be waived for 5 lots or less)</i> <i>Plans showing: data on Definitive Plan, topography, high water marks, existing structures, vegetative cover, soils types (Soil Conservation Service Soil Study, groundwater level, percolation tests, visual analysis vistas, waterbodies, wetlands, aquifers, narrative statement on water quality-surface and ground, effects on wildlife habitats, botanical features, scenic or historic sites, capability of soils, vegetation, proposed erosion control measures to support development (THIS CANNOT BE WAIVED), proposed traffic flow, effect on public services</i></p>
Definitive Subdivision Plan	<ul style="list-style-type: none"> Application to Board of Health and Planning Board Statement of adequate water supply, drainage calculations, soils reports and percolation tests Lot layout plan - including existing boundaries, features and zoning; setbacks and potential house site with soil examinations and test pits if required by Board; topography –base flood elevation, trees, wetlands (determination of applicability from Conservation Commission), earth removal, street plan profile and section etc. Environmental Analysis Drainage, route and receiving waters; use 25 year storm frequency for cross culverts Storm Water Management Plan* containing maps, charts, graphs, tables, photos, narratives, calculations etc showing existing environmental conditions (surface runoff of 2, 10, 100 year storm events, description of watercourses and wetlands on or entering site- quality and classification, groundwater levels, flood plains, veg types, topography, soils); proposed alterations; development layout; predicted impacts; components of drainage system and measures for detention, retention, infiltration, protection of quality (N or Ph Loading Report); ensurance of performance standards; Design Standards to be met (direct discharge prohibited, methods for detention, retention, infiltration, release, swales, treatments, open space, monitoring wells required for various parameters; general requirements (maintenance, bonds, Operation and Maintenance Plan) Water supply mains and appurtenances, sewer mains, sewage disposal, storm drains, easements for drainage Public Hearing – Board of Health shall have provided written report for approval or disapproval; others shall have responded Approve; approve with modifications; or disapprove (if Wetland Protection Act applicable – contingent on Conservation Commission approval) Performance guarantee – bonds, covenants, agreements with lenders; Rescissions allowed Maintenance of streets until conveyed to Town As-built Plans <p><i>*Storm Water Management: must be followed for subdivisions, multi-family dvlppts, facilities or activities of 20,000 sq.ft. or more of impermeable surface or 15% of area rendered impervious, all roadway construction and upgrading, any activity within wetlands and a 300 ft buffer zone, Flood Plain and Watershed Protection District, and Town Water Supply District and involving maintenance, alteration, use or improvement to an existing strom water mgmt structure</i></p>
Requirements for Improvements and Design	<ul style="list-style-type: none"> Design of subdivision should reduce: volume of cut and fill, disturbance to vegetation, tree removal, waterway alteration, paved areas Street alignment and location designed for safety, general layout and dimension – may authorize reduced width for increased length May require plan to show parks for recreation or open space made available for purchase by Town Flood Plain – minimize flood damage, drainage Wetlands Protection Act Common driveways for up to 5 dwelling units if serve public interest – hearing is required Construction: inspections, methods and materials, street design standards Standards, specifications, and criteria for storm drainage, water facilities, sewer, utilities Inspection of required improvements; as-built plans; tree removal needs approval, tree planting

Rowley Protective Zoning Bylaw

(Adopted at the Annual Town Meeting and Approved by the Attorney General in 1960 and Amended thru November 1999)

Dimensional and Density Regulations	<u>Residential and Outlying</u>	<u>Central District</u>	<u>Commercial</u>
	<u>Single Family:</u>		
	<i>lot area minimum (sq.ft.):</i>	60,000	30,000
	<i>lot frontage (ft):</i>	150	125
	<i>lot width (ft):</i>	100	100
	<i>setbacks:</i>	50 ft to street, 15 ft to other	50 ft to street, 15 ft to other
	<i>lot coverage max:</i>	25%	50%
	<u>Multi-Family:</u>		
	<i>lot area minimum (sq.ft.):</i>	20 acres	2 acres
	<i>lot frontage (ft):</i>	200 for 1 st and 100 for each addition	150 for 1 st and 75 for
	<i>lot coverage maximum:</i>	25%	additional
	<i>setbacks:</i>	no nearer than 75 ft from centerline; or nearer than 50 ft from property line;	25% 25 ft from property line
		Not more than 16 structures	Not more than 4 structures
Intensity of Use	<ul style="list-style-type: none"> • Water and swamp, frequent flooding (as mapped) shall not be considered in minimum lot area • No building erected on “severe” soils • Floor area requirements; dwelling unit requirements; average finish grade; parking; structural style • Open space and landscaping requirements: landscaping buffers; access and utility requirements • Site Plan and Subdivision Approval required • Written approval of Board of Health and Definitive Plan submitted, even if not subdivision, floor plan • Environmental Impact Statement with Definitive Plan (except for up to 4 lots in Central District) 		
	<ul style="list-style-type: none"> • Open Space Residential Development (Cluster Development) <i>(Amended and Approved by AG 9/99)</i> • For plan in residential and outlying districts, applicant may submit to Planning Board for Special Permit (minimum 5 acres tract) (Review by Conservation Commission and Board of Health for recommendations) • Submit Site Plan showing proposal, size, buildable and open space areas, wetland locations • Planning Board considers: efficiency, harmony with natural features and historic components, appropriately sized open spaces, protection of natural features, preservation of scenic vistas, public safety • Guidelines for design: buffering/landscaping, attractive views preserved, avoids large mass and compatible materials, varied rooflines • May request Conceptual Subdivision Lot Layout Plan • Dwelling units allowed: formula, but should not exceed maximum under normal yield; deletes areas of wetlands and waterbodies from calculation. • Density bonus of up to 20% if either: substantial buffer around perimeter which is deeded or conservation restriction to town; or public improvement or amenities providing benefit to Town (i.e., decrease in storm water runoff than conventional plan and provisions for off-site facilities improvements to mitigate proposed development); or attached townhouse dwellings with maximum of 2 bedrooms per unit, with New England village style architecture • Planning Board may waive minimum requirements for frontage, lot area, width, yard area, lot coverage in order to achieve maximum open space area • Clusters of no more than 8 single family dwellings, 2 two family dwellings, and 4 multi family dwellings • Minimum width of open space: 50 ft • Minimum 50% open space per parcel (not exceed 10% grade, must be at least 1000 sq.ft. and 25 ft wide) • Septic may be placed in open space/common area • No increase in peak runoff and erosion mitigation measures • Residents Association required 		

Use Regulations	Water Supply Protection Districts	<ul style="list-style-type: none"> • Uses and activities requiring Special Permit by the Zoning Board of Appeals via hearing if don't conform to uses in district, pesticides, fertilizers, water control devices, any use that will render impervious more than 15% or 2,500 sq.ft. • Site plan required
	Flood Plain District <i>Establishment of Flood Plain and Watershed Protection Districts described rather than mapped</i>	<ul style="list-style-type: none"> • Prohibited uses: dumping, excavating, etc. • No buildings except piers or wharves unless a permit is granted • Permit by Board of Selectmen, submit application with plans • Conservation Commission and Board of Health input- look at safety, 15 ft above mean sea level criteria for 1st floors, sewerage, access, drainage, max 25% of lot area in floodplain
Site Plan Review	<ul style="list-style-type: none"> • For uses and change of use for which approval by Planning Board, Board of Selectmen, or Board of Appeals is required • Contents: Boundaries, abutters, existing and proposed buildings, impervious coverage, provisions for screening, surfacing, lighting, landscaping, water disposal, drainage, dust and erosion control, natural features, parking, topography, flood plain elevation etc. • Criteria: Protection of adjoining and neighborhood, traffic, safety and access, parking, emergency access, storm water drainage, water and sewage adequacy, screening, protection of natural features • Copies are distributed to Planning Board, Board of Health, Conservation Commission, and Building Inspector • Public hearing with Planning Board or Board of Selectmen and public notification 	
General Requirements	<ul style="list-style-type: none"> • <u>Soil Suitability:</u> No development on land soils listed as having frequent flooding or depth to water table of less than 6 ft without a special permit from Board of Selectmen and Conservation Commission when required Board of Selectmen will sign off on all building permits • <u>Hazardous Materials:</u> notice for use filed with Board of Selectmen; radio-active requires Special Permit 	

Rowley Planning Board Rules and Regulations Governing the Subdivision of Land <i>(Adopted by the Planning Board in 1987)</i>	
Plan Believed Not to Require Approval	<ul style="list-style-type: none"> • Plans submitted with all locations, boundaries, references, etc. • Includes soil types, slopes, wetlands • Either endorse or notify applicant that approval IS required
Preliminary Subdivision Plan	<ul style="list-style-type: none"> • Submission of Preliminary Plan is required for non-residential subdivision and strongly recommended but up to applicant discretion for residential subdivision • Submission of plans with information, including wetlands and waterbody locations, slopes, drainage systems, soil types • Project Information Summary Sheet (to determine what elements of the Environmental Impact Statement need to be included) • Plans forwarded to: Public Works, Public Safety, Fire, Public Utilities, Town Engineer, Conservation Commission, etc • Approve; approve with modifications; or disapprove – but not recorded until definitive plan approval (good for 7 months) • Amendment in 1983 to include Rules and Regulations Governing Storm Water Management: at preliminary stages submit plan containing maps, charts, graphs, tables, photos, narratives and calculations showing existing environmental conditions (surface runoff of 2, 10, 100 year storm events, description of watercourses and wetlands on or entering site- quality and classification, groundwater levels, flood plains, vegetative types, topography, soils); proposed alterations; development layout (site arrangement, drainage systems, method of calculations); predicted impacts (changes in water quality, groundwater, flooding, adverse impacts on wetlands and vegetation); components of drainage system and measures for detention, retention, infiltration, protection of quality (N or Ph Loading Report); ensurance of performance standards (natural hydrodynamics, protect or improve characteristics above); design standards to be met (direct discharge prohibited, methods for detention, retention, infiltration, release, swales, treatments, open space, monitoring wells required for various parameters); general requirements (maintenance, bonds, Operation and Maintenance Plan)

Definitive Subdivision Plan	<ul style="list-style-type: none"> • Written notice to Town Clerk • Lot layout and zoning • Major features of land – waterways, trails, buildings drainage courses, etc. • Contour plan, utilities plan, and drainage plan • Street plan and profile • Environmental Impact Statement – <i>physical element</i> (air and noise, water quality/quantity, soils, ecology), <i>transportation element</i> (traffic, mass transit, maintenance), <i>public utility element</i> (water supply and distribution, sewage treatment, storm solid waste), <i>neighborhood and community element</i> (schools, police, fire, recreation), <i>socio-economic element</i> (population, low income house, employment), <i>aesthetic element</i> (architecture, lighting, landscaping), <i>master plans element</i>, and <i>cost-benefit element</i> • Erosion/Sedimentation Control Plan • Board may require soil surveys • Public hearing - Board of Health shall have provided written report for approval or disapproval; other town officials shall have responded • Approve; approve with modifications; or disapprove • Performance guarantee – bonds, covenants, agreements with lenders • Rescissions allowed • Maintenance of streets until conveyed to Town <p><i>Amendment 1989 General Guidelines for site plan review criteria – give basic policies to consider – consistency, compatibility, integration, architectural harmony, safe, prevent pollution etc.</i></p>
Requirements for Improvements and Design	<ul style="list-style-type: none"> • Design of subdivision must take into account: open space (for parks & recreation); protection of natural features, lot arrangement and dimensions, drainage, utilities • Construction: inspections, methods and materials, street design standards; Erosion/Sedimentation Control Program • Standards, specifications, and criteria for drainage of surface and sub-surface water, water facilities, sewer, utilities • Tree planting required

Ipswich Protective Zoning Bylaw

(Adopted at the Annual Town Meeting and Approved by the Attorney General in 1977 and Amended thru April 1999)

Dimensional and Density Regulations		Rural (RRA)	Intown	Business	Planned Commercial	Industrial
<i>Lot area minimum (sq.ft.):</i>		43,560	10,000	5,000	87,120	43,560
<i>Lot width minimum (ft):</i>		175	90	50	170	150
<i>Lot frontage minimum (ft):</i>		150	50	50	70	70
<i>Min. setbacks (ft) (front):</i>		50	20	0	50	50
<i>(side):</i>		40	10	10	25	25
<i>(rear):</i>		30	20	20	50	50
<i>Maximum building area %:</i>		20	40	80	40	30
<i>Minimum open space %:</i>		50	30	5	30	30
<i>Accessory structures:</i>		≤25% of the min lot area				
Special Regulations	Open Space Preservation (Cluster) Zoning	<ul style="list-style-type: none"> • Subject to approval of Planning Board under Rules and Regulations Governing the Subdivision of Land • Application required for ≥6 dwellings on minimum of 5 acres; may submit with conventional subdivision plan if applicable; recommended for ≤5 lots • Special permitted uses • Site Plan and soil tests required • Wetland/Coastal Exclusion: ≤½ area in lot calculation • Septic may be placed in open space • ≥30% open space conservation restriction required • Dimensional Regulations: no minimum lot area, frontage, setbacks except minimums within each lot; <30% coverage (including driveways) • Concept Plan required for subdivision in addition to Special Permit • Board seeks recommendations of the Open Space Committee • Lots cannot be further subdivided after permit granted • Common driveways allowed for ≤5 lots • Amended in 2001 to include principles of Open Space Residential Design. 				
	Great Estate Preservation Development	<ul style="list-style-type: none"> • By Special Permit from Planning Board • Min lot size of 60 acres and buildings constructed prior to Dec 31, 1996 which have a minimum of 40,000 sq.ft. floor area • New floor area maximum: total does not exceed 3000 x the number of possible dwelling units which could be developed under one-acre zoning requirements); additional if rehabilitation existing buildings: 5 sq.ft. for every 1 sq.ft. rehabilitated or renovated; total allowable floor area not to exceed 8% of lot. • Special permitted uses; residential dwellings not to exceed 25% of max floor area which may be developed; multiple family must include 10% affordable housing, at least 50% over the age of 55 • Site plan with soil tests and the # of buildable lots as if subdivided • Wetland/Coastal Exclusion: ≤½ area in lot calculation • ≥30% open space conservation restriction required • Minimum setback of 100 ft and 100 ft buffer strip of vegetation • ≤20% of lot for commercial use, buildings and parking etc. • Special permit accompanied by site development report with inventories of natural, historic resources, and protection and preservation strategies • Preliminary concept plan for Planning Board and Development Review Committee, which shall be referred to all other boards and committees 				
	Water Supply Protection Districts	<ul style="list-style-type: none"> • Restricted uses or by Special Permit from Planning Board if demonstrated by Professional Engineer that no degradation • Impose design and performance standards and monitoring for special permits, monitoring fees 				
	Flood Plain District	<ul style="list-style-type: none"> • Overlay district as established by Flood Plain Districts mapped by FEMA/FIRM • Must comply with MA General Laws Ch 131, Sec 40 and with MA building code for floodplain and coastal high hazard areas; wetlands protection regulations; inland wetlands restriction; coastal wetland restriction; requirements for subsurface disposal of sanitary sewage • Either by right or by special permit depending on circumstances • Reviewed by Building Inspector to meet State Building Code • More restrictive development requirements according to flood zone 				

Site Plan Review	<ul style="list-style-type: none"> • Planning Board Review for certain construction to ensure sound site utilization principles • Site Plans for building permits for >2500 sq.ft. or improvements of 30% existing floor area; change of use • Plans must address: traffic, safety and access, parking, emergency access, storm water drainage, water and sewage adequacy, screening, protection of natural features and vistas, signage • Copies are distributed • Public Hearing with Planning Board and public notification • Technical consultant services at cost of applicant
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Ipswich Planning Board Rules and Regulations Governing the Subdivision of Land <i>(Adopted by the Planning Board in 1993)</i>	
Approval Under Subdivision Control Law Not Required	<ul style="list-style-type: none"> • Plans submitted with all locations, boundaries, references, lot dimensions, frontage, waterbodies etc. • Board considers: Alignment of traveled way provide safe visibility; Right of Way at least 40 ft wide and of reasonable horizontal alignment; traveled way of at least 18 ft wide, 8" depth gravel, drainage; if >6 lots, surfaced road; public utilities without cost to town • Either endorse or notify applicant that approval is required
Preliminary Subdivision Plan	<ul style="list-style-type: none"> • Submission of Preliminary Plan is required for non-residential subdivision and strongly recommended but up to applicant discretion for residential subdivision • Submission of plans with information, including wetlands and waterbody locations, topography, drainage systems • Plans forwarded to: Public Works, Public Safety, Fire, Public Utilities, Town Engineer, Conservation Commission, etc. • Approve; approve with modifications; or disapprove – but not recorded until definitive plan approval
Definitive Subdivision Plan	<ul style="list-style-type: none"> • Written notice to Board of Health and Planning Board • Lot layout plan - including existing features and zoning • Grading, drainage, and utilities plan – including information about wetland boundaries in and within 100' of subdivision and delineated in field; 100 year flood boundary; erosion/sediment control; cut and fill • Street plan and profile for utilities • Storm water management report • Environmental and Community Impact Analysis; if ≥6 lots or non-residential; beneficial and adverse impacts from construction phase and completion; alternatives; corrective and protective mitigation measures; impacts on <i>natural environment</i> (air and noise, water quality/quantity, land, plants, wildlife, sewage), <i>man-made environment</i> (neighborhood, zoning), <i>public services</i> (schools, police, fire, recreation, solid waste, traffic), <i>aesthetics</i>, cost-benefit analysis • Public hearing – Board of Health shall have provided written report for approval or disapproval; others shall have responded • Approve; approve with modifications; or disapprove • Performance guarantee – bonds, covenants, agreements with lenders • Rescissions allowed • Maintenance of streets until conveyed to Town
Requirements for Improvements and Design	<ul style="list-style-type: none"> • Design of subdivision must take into account: natural features, unsuitable land, lot arrangement and dimensions, soils, drainage, debris and waste • Construction: inspections, methods and materials, street design standards • Standards, specifications, and criteria for storm drainage, water facilities, sewer, utilities • Tree planting required • Storm water management system – must meet design standards, be constructed and must be maintained before accepted by Town • security bond may be required

Ipswich Wetlands Protection Bylaw and Rules and Regulations

Ipswich Wetlands Protection Bylaw (Adopted at the Annual Town Meeting and Approved by Attorney General in 1990)	Jurisdiction	<ul style="list-style-type: none"> Coastal and freshwater wetlands, areas bordering on water body, or land within 100 feet of these areas, land under a water body or subject to flooding tidal action or coastal storm flow, vernal pools, or land within 150 ft of Parker River/Essex Bay ACEC; activity must alter these resources to be subject to regulation Entry upon private property for enforcement and examinations allowed
	Procedure	<ul style="list-style-type: none"> Costs and expenses by applicant for engineering and consultant services to review Notice of Intent or Request for Determination of Applicability when: alter >500 feet of wetland or buffer zone or land under water body, 50 linear feet of bank alteration to waterway, ocean discharge of pollutants, or construction of detention or retention basin or water control structure Public Notification in paper; hearing within 21 days of submission Burden of proof on applicant to prove no adverse affects to interests
	Permit and Conditions, Security, Enforcement	<ul style="list-style-type: none"> Commission may impose conditions and all work shall conform Record with Essex County Registry of Deeds Performance or conditions may be imposed by bond or conservation restriction, easement or other covenant Enforce bylaw thru violation notices, enforcement orders, and civil or criminal court actions – Board of Selectmen or Chief of Police may take legal action for enforcement respectively Subject to indictment or complaint brought in District Court or non-criminal disposition (penalties)
Rules and Regulations (Adopted by Ipswich Conservation Commission in 1992 and Amended in 1997 pursuant to Wetlands Protection By-Law Section 14)	Activities	<ul style="list-style-type: none"> Additional to By-Law: crossing of wetland and buffer zones with machinery for percolation testing, soil exploration, clearing of trees or vegetation for landscaping, well drilling, accessory structures, harvesting of salt marsh hay
	Submission Standards: Determination of Applicability (DOA) and Notice of Intent (NOI)	<ul style="list-style-type: none"> DOA must include maps, drawing with boundaries of wetlands, field survey, delineations etc. – prior to Notice of Intent (NOI) NOI same as for MA General Laws Ch 131 S 40 and 310 CMR 10.00 – so no separate submission required Site plans to be submitted showing all resources and buffer zones, setbacks, activities, contours, drainage structures and lowest elevations, location of water retention areas and 100 year flood level, ground water elevations, soil characteristics, easements, runoff plan for pre and post development, storm water control designs, erosion and sediment control, profile drawings, ACEC boundary etc. Wildlife habitat evaluations may be required Wetland Resource Alteration and Replication narrative and detail plan shall be submitted Preparations for site visit-demarcating boundaries and structures
	Standards for Review	<ul style="list-style-type: none"> Avoid wetland alteration or filling Filling be minimized to greatest possible extent feasible Mitigation if alteration or filling – 1.5 to 1 – No net loss ACEC: Regulations within 150 ft ; must show potential impacts mitigated Vegetated Wetlands: Non-bordering vegetated wetlands must be over 5000 sq.ft.; performance standards; applies to “limited projects” Buffer Zone: 100 ft landward of wetland; (50 ft no disturbance; plus 15 ft no build zone) Regulate application of pesticides, fertilizers etc. No subsurface sewage, etc unless proven no impact Projects subject to Ch 91 also require Commission approval – MEPA process 1st
	Orders of Conditions, Certificates of Compliance	<ul style="list-style-type: none"> Permits or Orders of Conditions issued and recorded prior to activities Consultant to monitor progress of work in accordance with plans at expense to applicant, report to Commission May request Certificate of Compliance upon completion

Essex Zoning Bylaws

Dimensional and Density Regulations	<u>Land Use:</u>		<u>Residential</u>	<u>Business</u>	<u>Motel and Hotel</u>	<u>Industrial</u>
	Lot area minimum:		40,000 sq.ft.; 30,000 sq.ft. for land on street in existence on June 7, 1972	40,000 sq.ft.; 30,000 sq.ft.	90,000 sq.ft.	90,000 sq.ft.
	Lot frontage minimum:		150 ft	150 ft	200 ft	300 ft
	Lot width minimum:		150 ft	n/a	n/a	n/a
	Lot depth:		100 ft	100 ft	n/a	n/a
	Setbacks: (front):		25 ft	25 ft (50 if over 10,000sq.ft.)	100 ft	100 ft
	(side):		20 ft	20 ft (20 if over 10,000sq.ft.)	50 ft	100 ft
	(rear):		30 ft	50 ft	100 ft	100 ft
	Lot coverage maximum:		25 %	25%	none	33%
			For 2 family: septic system approval requires submittal of drawings			
		<i>** Note: 100% wetland area excluded from lot area calculations</i>				
Permits and Administration	<u>Special Permits:</u>					
	<ul style="list-style-type: none">• Planning Board Approval• Airport, recreational facilities, private schools, public utility, radio, telecommunications, trucking terminals, private hospitals, nursing homes, scientific research accessory uses, multiple family dwellings and apartments. Lot area = min 60,000 sq.ft. for 3 dwelling units and 90,000 sq.ft. for 4 or more units; lot frontage = 300 ft.; setbacks = 100 ft; minimum distance between buildings = 20 ft; 50% lot coverage.(multiple family requires septic system)• Building Permits: all building permits site plans must be approved by Planning Board, except in the case of a variance which goes to Board of Appeals. Permit from building inspector. Site plan must include shape, size, height and location of lot and relation to abutting streets and shape, size, height and locations for buildings to be erected and those existing• Board of Appeals: decide appeals of planning board, building inspector, or other; authorize variances; may prescribe conditions and posting bonds• Requires a hearing, publication					
Special Districts	Wetland District	<ul style="list-style-type: none">• Planning Board acts as Special Permit Granting Authority• Defined by mapped boundaries and land within the bank or boundary of stream, river, or wetland• Overlay district to protect from flooding, preserve water table, conserve natural conditions for education, recreation, and general welfare• Permitted uses by right: conservation, outdoor recreation, forestry, agriculture, gardening, maintenance and repair, accessory structures or uses for above, dams, dredge and fill for above, existing uses• Restrictions: land fill or dumping, buildings, dredging, permanent storage – shall NOT be permitted• Special Permits for exceptions: determine not generally wet• Appeals on variances shall go to Conservation Commission for referral and recommendations• Violations subject to fines up to \$20.00 for each day such violation exists				
		Flood Plain District	<ul style="list-style-type: none">• Establishment of Flood Plain Districts mapped as an overlay. Essex Flood Insurance Rate Map (1986)• Must comply with MA Building Code for floodplain and coastal high hazard areas;• Applicant must obtain base flood elevation data to be reviewed by building inspector• More restrictive development requirements according to flood zone			
	Water Resource Protection Districts	<ul style="list-style-type: none">• Mapped area: comprises drainage basin of Chebacco Lake or Cedar Swamp• Prohibited uses, i.e. disposal, storage of petroleum products, mining, hazardous materials, auto service, dry cleaning, residential which has >15% impervious cover or lot area less than 40,000 sq.ft./dwelling unit, earth removal, fertilizer storage, etc.• Permitted uses by Special Permit so long as no adverse impact upon ground or surface water: Certain sewage disposal systems, application of pesticides or fertilizers for non-domestic, non-agriculture use; More than 15% of lot area or 2500 sq.ft. to be approved only if using a system for artificial recharge of storm water; If any lot has one third or more of area in WRPD, then must meet these requirements				

Essex Rules and Regulations Relative to Subdivision Control

(Adopted by the Planning Board in 1981)

Plans Believed Not to Require Approval	<ul style="list-style-type: none"> • Plans submitted with all locations, boundaries, references, lot dimensions, frontage • Board considers adequate access as defined: either approval will result in the creation of 2 or 3 lots from a parcel as existing on July 1, 1985 and served by a town maintained way, access is in compliance with standards for width, gravel foundation, surface type, grade etc, or Planning Board determines after consultation with Fire, Police, Board of Selectmen that the way is sufficient • Either endorse or notify applicant that approval IS required
Preliminary Subdivision Plan	<ul style="list-style-type: none"> • Submission of Preliminary Plan to Board of Health and Planning Board is strongly recommended but up to applicant discretion • Submission of plans with information, including wetlands and waterbody locations, topography, drainage systems, zoning classification • Approve; approve with modifications; or disapprove – but not recorded until definitive plan approval
Definitive Subdivision Plan	<ul style="list-style-type: none"> • Definitive plans submitted to: Planning Board as well as Board of Health, Board of Selectmen, Dept of Public Works, Conservation Commission, Chief of Police, and Fire Chief (all must comment) • Lot/locus plan showing roads and profiles, construction plan drainage, may require engineering or environmental analyses and soil surveys at owners expense • Plan contents: locations, lots, etc. plus drainage and cross sections, water supply mains and appurtenances, course of discharge to adjacent landowners, location of base flood elevation, street plan, and profile- utilities • Construction plan and contents – trees, wetlands, water supplies and onsite disposal • Public hearing – Board of Health shall have provided written report for approval or disapproval; Conservation Commission determines applicability of Wetland Act/Notice of Intent • Planning Board will approve; approve with modifications; or disapprove based on criteria: Safety, hazards, welfare, environmental degradation, design and construction standards, zoning • Performance guarantee – bonds, covenants, agreements with lenders • No construction until: streets meet standards, facilities for water, recordation of plan, security for improvements; rescission is possible • Maintenance of streets until conveyed to Town • As built plans before release of performance guarantee
Requirements for Improvements and Design	<ul style="list-style-type: none"> • Design of subdivision must take into account: cut and fill, vegetative disturbance, tree removal, waterway alteration, impervious surface, natural features, maintenance of runoff • Easements for storm water and drainage or access if necessary • Open Space: Planning Board may require for parks; at least 1 acre/20 sq.ft.; may require no build for 3 years; may require street trees or green spaces • Natural Features: preserved as much as possible; disturbance prohibited • Lot drainage not to cause detrimental drainage onto another lot • Land not suitable for housing must not be used for residential purposes – only for open space, playgrounds, etc. • Must submit Sediment Control Plan with methods: berms, dikes, ponds • Streets and Ways criteria, street drainage, curbing, circulation • Drainage methods, storm sewers, basins and culverts based on frequency of storm; design based on soil cover complex method; specifications • Flood Hazard Avoidance: clustering, open space, drainage systems located and designed to minimize flood damage

Gloucester 1999 Zoning Ordinance

(With Amendments to Date Incorporated – Issued July 1999)

Dimensional and Density Regulations		<p>Density: High Med Low Rural/Coastal Rural Business Industrial</p> <p>Lot width minimum (ft): 50 80 100 150 150 80 80</p> <p>Lot frontage minimum(ft): 50 65 80 100 100 65 65</p> <p>Minimum setbacks (ft):</p> <p style="padding-left: 40px;">(front): 15 20 30 40 40 30 15</p> <p style="padding-left: 40px;">(side): 7.5 10 20 30 30 0* 15</p> <p style="padding-left: 40px;">(rear): 20 20 30 30 30 15 15</p> <p>Lot coverage maximum: 35% 30% 25% 25% 25% 50% 50%</p> <p>Other requirements for height, accessory structures, and dimensional requirements for shopping centers Business Park District (not listed above) requires min 10% of lot as open space</p>
		<i>See ordinance for requirements for multiple family, hotels, shopping centers, motor vehicle services, pork chop lots, common driveways</i>
Special Regulations	Earth Fill and Removal	<ul style="list-style-type: none"> • Special Permit by City Council • Soil & Water Conservation Guidelines conformance • Exempt: construction grading, <50 cubic yards, in accordance with an Order of Conditions instead, landscaping or gardening • Must submit plan and soils engineer report, bond • Provisions for drainage, prevention of wind/water erosion onto adjoining properties • Additional conditions
	Cluster Development	<ul style="list-style-type: none"> • Special Permit by Planning Board • For parcels equivalent to 5x the minimum lot size in that district (no less than 3 acres) within residential districts • Preliminary plan encouraged showing proposal and open space • Board of Health, Conservation Commission, Fire and Building for review • Definitive Plan shall include: requirements and materials for Rules and Regulations Governing Subdivision for Definitive Plan; open space and maintenance of open space; phases of construction • Board of Health reports approval or disapproval • Public hearing after all others officials get copy • Consider: lots, streets, parking, layout and design, open space for recreation, access, scenic vistas, preservation of natural and historic features, public safety, and maintenance • Development density: parcel/90% of minimum lot requirement, no more than 10 single family dwellings, 4 multi-family dwellings in cluster • Density Bonus (increase in lots or dwelling units up to 20% above the allowed) if: 1) deed a portion of applicable land area to city; or 2) designate to affordable housing (applicant receive 1 lot or dwelling units for each 1.5 affordable dwelling units built) • Dimensions: minimum size 10,000 sq.ft. for single family dwelling or two family dwellings; 20,000 sq.ft. for multi-family dwellings; waive 50% yard and frontage for both • Open space ≥30% applicable land area (buildable land) – conveyed to a trust or corporation as a conservation restriction (CR), or to non-profit as CR, or to City for park or open space management by Conservation Commission • Minimum width between open space and clusters of development or clusters of development and adjacent property is 50 feet • Open space to be used for designated purposes

Special Regulations (continued)	Watershed Protection Overlay District	<ul style="list-style-type: none"> • Special Permit uses by Planning Board • Definition and Mapped “Public Water Supply Watershed Boundary Maps” • Burden of proof on applicant to prove otherwise • For Special Permit, must submit plan with provisions to control erosion and sedimentation, seepage from sewer, impervious surfaces • Referred to Board of Health, Conservation Commission, City Engineer for recommendations • Public hearing • May issue special permit if appropriate for topography, soils, etc., no adverse effect during construction of water quality or quantity, avoids disturbance of soils, topography, drainage, vegetation, and water-related character • Fertilizers, pesticides, herbicides requires report from Board of health stating prevention of hazardous concentrations in water and land: erosion control techniques, runoff water, displacement etc.
	Lowland Requirements	<ul style="list-style-type: none"> • Special Permit by City Council for exception to build at less than 10’ elevation that poses no hazard • Considered hazardous: floor level <12 ft; sewage disposal inundation; cut and fill displacement; water supply contamination • No removal, fill, construction on land bordering coastal or inland waters without Special Permit and determination that Hatch and Jones Act satisfied, no health safety hazard, conserve shellfish and wildlife resources
	Major Projects	<ul style="list-style-type: none"> • Special Permit by City Council • For: multi-family dwellings by Special Permit for 21 or more bedrooms, 11 or more dwelling units; hotel, motel for 30 or more rooms; shopping centers • Must submit: plans by engineer, photos, and percolation tests • Review and report by Building Inspector, Public Health, Public Works, Fire, Engineering, and Conservation Commission • Copy to Planning Board for special permit criteria • Special Permit Criteria: access, good percolation tests or connections, no less than 100’ from wetland, drainage, utilities requirements of Subdivision Control Law and Zoning, additional criteria for shopping centers
	Wastewater Management Overlay District	<ul style="list-style-type: none"> • West Gloucester Overlay District places restrictions on growth within a 3,301 acre area • Prevents immediate development of 1.326 lots in West Gloucester • Subdivisions that result in four or more lots will require the approval of the planning board through the special permit process and are prohibited from connecting to the city sewer • Subdivisions must provide for the installation of septic systems that meet Title V standards and will not have access to sewer lines for five years unless their septic system fails • District will remain in place for five years during which time a permanent growth management plan will be developed

City of Gloucester General Wetlands Ordinance

(Dated 9/26/90, revised 5/5/92)

Jurisdiction	<ul style="list-style-type: none"> Wetlands Maps (1977-78) Coastal and freshwater wetlands; areas bordering on water body or land within 100 feet of these areas; land under a water body or subject to flooding tidal action or coastal storm flow, vernal pools, or ACECs; land within 100 ft of Parker River/Essex Bay ACEC (upland edge); land within 200 feet of the upland edge buffer zone - this means jurisdiction extends a total of 300 ft from the ACEC; cannot remove, fill, dredge, alter or build upon Exceptions: maintenance and repairs of utilities, ways, or buildings existing at time of ordinance adoption; removal of debris by hand; emergency projects; planting and harvesting of commercial crops and residential gardens etc within the buffer zone; application of pest/herbicides in accordance with State and Federal law. Projects altering isolated wetlands of size 2,500 square feet or greater are subject to review Assume resource areas are significant until proven otherwise
Performance Standards	<ul style="list-style-type: none"> Performance standards for any work in these areas will employ Parts II and III of Wetlands Act with addition of: marsh, swamp, bog, or wet meadow – apply performance standards for bordering vegetation wetlands Upland Edge – no vegetative cut allowed (other than vegetables, crops, flowers), no impervious surface added, no drainage or septic system within 100’ of upland edge (200’ from ACEC) Can alter if in existence prior to Subdivision Control Law or reconstruction within same footprint Commission may impose conditions and all work shall conform
Submission Standards: Determination of Applicability and Notice of Intent	<ul style="list-style-type: none"> Request for determination by applicant – Conservation Commission makes written determination Notice of Intent to perform work that is not under exceptions Application includes information that Commission deems necessary to describe activity Burden of proof on applicant to prove no adverse affects Public Notification in paper; hearing within 21 days of submission Combine hearing with one under MA General Laws Ch 131 S 40 Review by other Officials: Board of Health, City Engineer, Council, Planning Board, Zoning Board of Appeals, HarborMaster, Shellfish Advisory Committee, Tree warden If Environmental Impact Report exists, may consider that in decision
Permit and Conditions, Security	<ul style="list-style-type: none"> May issue or deny permit; may impose conditions if significant effect Deny when failure to meet design specifications, performance standards, failure to avoid significant or cumulative adverse effects Security bond, conservation restrictions, easements or other covenant to secure conditions No work undertaken until recordation May request certificate of compliance upon completion of work
Violations; Penalty	<ul style="list-style-type: none"> Authority to enter upon privately owned land Authority under violation notices, administrative orders, civil and criminal court action Administrative penalty higher if no compliance after notification of violation, penalty if not meeting conditions, or where significant damage has occurred
Flood Plain Management	<ul style="list-style-type: none"> “Flood Insurance Study for the City of Gloucester” (dated May 1984) with Flood Insurance Rate Maps and Boundary-Floodway Maps were adopted Defined coastal high hazard areas and floodways – no construction A Zones – constructions must be elevated or flood proofed Health regulations: prevent infiltration of flood waters into water supply and into sanitary systems and prevent discharge from sanitary sewage systems into flood waters Submittal requirements: site plan with location, boundaries, dimensions, contours, existing and proposed structures, watercourses, drainage easements, access, sewer facilities, leaching fields, base flood elevation for 100 year flood plain

Planning Board Rules and Regulations Governing the Subdivision of Land in Gloucester, MA

(Adopted by the Planning Board and effective April 1, 1970)

Approval Under Subdivision Control Law Not Required	<ul style="list-style-type: none"> Plans submitted with all zoning classification, locations, boundaries, references, lot dimensions, frontage, streets, topography, and natural features Board considers: lots fronting on maintained public way; way in existence pre-law and is adequate (no steep slopes or watercourses within access way); or buildings on each Either endorse or notify applicant that approval is required Adequate access is also considered prior to construction on existing lots – determination by Planning Board If not adequate- Rules and Regulations govern improvements Must show existence of lot prior to Subdivision Law and existence of Public Way Submission materials - boundary lines, right of way, traveled way, topography, cross section Must meet design standards, road surface requirements, and lengths Public hearing and comment; approve or deny by Planning Board; Recordation Performance Guarantee or covenant and a Road Improvement Plan may be requested
Preliminary Subdivision Plan	<ul style="list-style-type: none"> Submission of preliminary plan to Planning Board and Board of Health is strongly recommended Submission of plans with info, including wetlands and waterbody locations, topography, drainage systems, soil test site and description, zoning, Environmental Impact Environmental Evaluation*, Stormwater Management Plan*, and traffic impacts if >20 lots Plans forwarded to: Board of Health, Department of Public Works, Fire Department, and other municipal agencies Approve; approve with modifications; or disapprove – but not recorded until definitive plan approval <p>* Environmental Impact Evaluation: Board considers: water re-circulation, maintenance of flow and quality of surface water, preservation of wildlife refuges, historic sites, geology, botany, archeology, trails and access to open space, health and safety. Must submit statements about: physical environment (including ACEC boundaries), surface water and soils, subsurface conditions, city services, human environment, phasing of construction, general impacts</p> <p>* Stormwater Management Plan: For purpose of control of the quantity and quality of stormwater runoff. Must submit: existing environmental and hydrologic conditions (direction, flow, rate, volume under 2, 10, and 100 year storm events, location of collection or percolation, description of waterbodies and classifications, depth to groundwater, flood plains, vegetation, topography, soils); proposed alteration and site arrangement and drainage systems; predicted impacts; measures for detention, infiltration, erosion impacts; nitrogen/phosphorus loading Contains performance standards, design standards, and monitoring and maintenance standards</p>
Definitive Subdivision Plan	<ul style="list-style-type: none"> Written notice to Board of Health and Planning Board Definitive plan by Engineer and signed by surveyor and landscape architect (if >5 lots) Submit: street layout, drainage calculations for culverts, locus plan, soil test sites and description, Environmental Impact Evaluation, any variances, and determination of nutrient loading if within watershed or contributing area (described in appendix) For >20 lots: Traffic Impact Report including existing features and zoning Provision for ownership of open space Stormwater Management Plan Plan to include: all streets, walkways, bearings, slopes, major features (wetlands, waterbodies, wells, drainage courses), topography, proposed layout and profile of drainage structures and basins, course of discharge, profiles of sewer lines, street cross sections, trees, plan for erosion and sediment control, and calculations and areas of lot size and number, streets, wetlands, open space, easements, floodway or flood plain Public hearing – Board of Health provide written report for approval or disapproval with response from Public Works, Fire Dept, Building Inspector, and Conservation Commission Approve; approve with modifications; or disapprove Performance guarantee (bonds, covenants, agreements with lenders) required before endorsement of plan Maintenance of streets until conveyed or transferred title to Town
Requirements for Improvement and Design	<ul style="list-style-type: none"> Design of subdivision must take into account: design standards for public safety; lot compliance with provisions of zoning; street location and alignment, width requirements, grades, construction; standards, specifications, and criteria for storm drainage, water facilities, sewer, sidewalks, utilities, fire; public uses including easements, open space, walkways, bikeways; natural features including preservation, grass plots, and required tree planting